

# EXHIBIT B

**From:** [Kelly, Gerard D.](#)  
**To:** [Thomas M Tobin](#); [tmtobin@tobinadr.com](mailto:tmtobin@tobinadr.com)  
**Cc:** [Iason, Lawrence](#); [Sneed, William M.](#); [McInerney, Stephen](#); [Weinberg, Richard](#); [Gordon, Michael S.](#); [Brian Lindquist](#)  
**Subject:** RE: Great Western v. Alpha  
**Date:** Thursday, January 04, 2018 11:38:37 AM  
**Attachments:** [image001.png](#)  
**Importance:** High

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Umpire Tobin,

Late yesterday, Larry Iason informed me that Mark Graham has a family health issue, thus Mr. Graham, BAAM and BCM are requesting a one-week continuance. However, January 15 is Martin Luther King Day, thus rescheduling to start two potential days of testimony on that date would be problematic for Michael Gordon, while rescheduling to start two potential days of testimony on January 16 would be problematic for me due to my schedule for the rest of that week.

Mr. Iason and I therefore explored the possibility of taking all of the testimony on January 16, if that would work for you. Mr. Iason and I discussed two requirement that Great Western would have in order to proceed on that basis.

First, Mr. Iason informed me that Mr. Graham would be the designee for BAAM and BCM. He also agreed to stipulate that all testimony provided by Mr. Graham would count as both his individual testimony and the testimony of BAAM and BCM. That is acceptable to Great Western, and I understand that is also acceptable to Alpha (though I am sure Mr. Gordon will let us know if I am mistaken).

Second, Great Western has requested that Mr. Graham, BAAM and BCM produce their documents responsive to the subpoenas served by Great Western to us and to Mr. Gordon in advance of January 16. Mr. Iason is looking into that and has said he will get back to me ASAP. Mr. Iason and I did not discuss a date, but I would respectfully suggest that electronic production by COB on Friday, January 12, would be appropriate.

Please let us know your thoughts on this matter at your earliest convenience.

Respectfully,  
Gerard

**GERARD D. KELLY**  
Partner

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**SIDLEY**

**From:** Kelly, Gerard D.

**Sent:** Wednesday, January 03, 2018 3:14 PM

**To:** 'Iason, Lawrence' <LIason@maglaw.com>

**Cc:** Sneed, William M. <wsneed@sidley.com>; McInerney, Stephen <smcinerney@sidley.com>; Weinberg, Richard <RWeinberg@maglaw.com>; tmtobin@tobinadr.com; 'Thomas M Tobin' <tobinadr@gmail.com>; 'Gordon, Michael S.' <michael.gordon@kattenlaw.com>; Brian Lindquist <blindquist@gwic.com>

**Subject:** Great Western v. Alpha

Larry,

I hope you enjoyed the holidays, the cold that is gripping New York (and much of the rest of the country) notwithstanding.

I look forward to seeing you at Sidley's New York office, 787 Seventh Ave., at 9:00 am on Monday, January 8, with respect to the subpoenas served on BAAM, BCM and Mr. Graham. As previously agreed, we will take testimony sequentially, with Mr. Graham going last. If we are able to finish all three examinations on January 8, we will do so. Otherwise, we will reconvene on Tuesday, January 9, starting at 9:00 am.

Following up on our mid-December email exchange, will you be in a position to produce documents in advance? As discussed, that would, of course, expedite the proceedings and make completion in one day more likely.

Also, could you please let us know who the designee(s) will be for BAAM and BCM and who, other than you, Mr. Graham and the designee(s), will be attending? We will need to provide names to building security. Umpire Tobin and Michael Gordon, both of whom are cc'ed on this email, will be in attendance, as will Brian Lindquist, Steve McInerney, and me.

Thanks,

Gerard

**GERARD D. KELLY**  
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